

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

Case Type: Implied Consent

_____,

Court File No. _____

Petitioner,

vs.

NON-DISCLOSURE AGREEMENT

Commissioner of Public Safety,

Respondent.

_____ declares that:

I reside at _____ in the City of _____,
County of _____, State of _____. My telephone number is _____.

I am currently employed by _____, located at _____ and my
current job title is _____.

I am not, and have not been, employed by (as an employee, agent, or consultant), or
otherwise affiliated with, any manufacturer of breath-alcohol testing equipment within the past
twenty-four (24) months.

In connection with the above-captioned matter, I have been conditionally granted access
to the Source Code for the Intoxilyzer 5000EN breath-alcohol testing instruments (“Source
Code”) used in Minnesota, or other information that has been designated “Confidential” in the
case (collectively, “Confidential Information”). I have been granted such conditional access
solely for the purpose of defending or prosecuting, or assisting in the defense or prosecution of, a
criminal DWI case and/or civil implied consent proceeding in Minnesota involving the results of
a test administered using an Intoxilyzer 5000EN breath-alcohol testing instrument as part of
evidence in the case. I understand and acknowledge that the Source Code is the intellectual

property of CMI, Inc., a corporation of the Commonwealth of Kentucky having its principal place of business at 316 E. 9th Street, Owensboro, Kentucky 42303. I also understand and acknowledge that CMI asserts that the Source Code is a valuable trade secret protected by applicable laws.

I have read the Court's Protective Order in the above-captioned matter, a copy of which is attached hereto. I have also been notified that access to the Source Code is subject to a Consent Judgment and Permanent Injunction entered by the U.S. District Court for the District of Minnesota in File No. 08-CV-603 (DWF/AJB) (copy attached) that describes the uses and purposes for which I am granted access to the Source Code or other Confidential Information. I acknowledge that the U.S. District Court has retained continuing jurisdiction over the Consent Judgment and Permanent Injunction.

I agree not to copy or replicate any part of the Source Code, except as necessary to perform a meaningful Source Code review. I agree that I will not reproduce, use, or disclose any Confidential Information obtained through my inspection and review of the Source Code except in accordance with the Protective Order in the above-captioned case, the federal Consent Judgment and Permanent Injunction, and this Non-Disclosure Agreement.

By executing this agreement and obtaining access to the Source Code or other Confidential Information, I consent to the jurisdiction of this Court for purposes of the enforcement of this agreement and this Court's Protective Order, and to the jurisdiction of the U.S. District Court for the District of Minnesota for purposes of the enforcement of this agreement and the federal Consent Judgment and Permanent Injunction.

Executed on: _____
(Date)

(Signature)

Subscribed and sworn before me
this _____ day of _____, 20____.

Notary Public

AG: #2476751-v1